

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RICHARD TURRIETTA,**

**Plaintiff,**

**v.**

**CIV 09-1216 BB/LAM**

**RON TORRES, et al.,**

**Defendants.**

**CONTEMPT ORDER AND JUDGMENT**

**THIS MATTER** is before the Court on the *Order to Show Cause (Doc. 46)*, filed in this case on June 30, 2010, as a result of Plaintiff failing to appear at the June 30, 2010, status conference. The Court conducted the show cause hearing on July 12, 2010. Defendants' attorney, Christina Anaya, appeared telephonically at the hearing. The Court called Mr. Turrietta at the number listed for him on the Court's docket; however Mr. Turrietta failed to stay on the line and did not answer the phone when the Court tried multiple times to call him back. The Court also left Mr. Turrietta a voice mail asking him to call Judge Martínez' chambers phone number, but as of the time this order was filed, he had not done so. In addition, the Court has twice ordered Plaintiff to provide the Court with a daytime phone number that is not a cell phone so that the Court could reach him for telephonic conferences (*see Order Granting Defendants' Motion for Discovery Information Doc. 36 (Doc. 38)* at 3, and *Order to Show Cause (Doc. 46)* at 2), and Plaintiff has failed to do so. Pursuant to the requirements of 28 U.S.C. § 636(e)(1), the Court finds Plaintiff to be in contempt of this Court.

**IT IS THEREFORE ORDERED** that Plaintiff, Richard Turrietta, is found to be in contempt of this Court for failing, without adequate excuse, to appear at the June 30, 2010 status

conference. Defendant Torres has filed *Defendant Ron Torres' Motion to Compel Plaintiff to Respond to Defendant's Interrogatories and Requests for Production and for Sanctions* (Doc. 41) and *Defendant Ron Torres' Motion to Dismiss Complaint for Lack of Prosecution and as a Sanction for Failure to Comply With Court Orders* (Doc. 43), to which Plaintiff has failed to respond and the deadlines for doing so have passed. The Court will defer imposition of a sanction because the Court is recommending by separate Proposed Findings and Recommended Disposition that Plaintiff's claims be dismissed for the reasons stated in those motions, and for having been found to be in contempt of Court. In the event Plaintiff's case is not dismissed, the Court will enter an order imposing appropriate sanctions for Plaintiff's contempt of Court.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**